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*Attorneys for Davis School District and Dave Roberts*

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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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BRENDA MAYES, as mother and  
guardian of Child Doe,

Plaintiff,

v.

DAVIS SCHOOL DISTRICT; DAVE  
ROBERTS; JOHN NAISBITT, District  
Transportation Director; and JOHN and  
JANE DOES 1-10, in their official and  
individual capacities,

Defendants.

**DAVIS SCHOOL DISTRICTS’  
RESPONSE TO PLAINTIFF’S  
PETITION FOR APPROVAL OF  
SETTLEMENT**

Case No. 1:19-cv-00040

Judge Clark Waddoups

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Defendants Davis School District and Dave Roberts (“the Davis School District Defendants”), by and through counsel, Kyle J. Kaiser, Assistant Utah Attorney General, provide the following response to Plaintiff’s Petition for Approval of a Minor’s Settlement ([Doc. 7](#)).

The Davis School District Defendants have agreed, in principle, to settle this matter on behalf of all Defendants, by paying to Plaintiffs the amount of \$62,500, including all costs and fees incurred by Plaintiff. The Davis School District Defendants agreed to this amount knowing that counsel for Plaintiff was asserting entitlement to over \$40,000 in attorney fees for investigation, research, drafting the complaint, publicity related to the filing of the complaint, and time spent in settlement negotiations. The Davis School District Defendants and Plaintiffs have no agreement as to the allocation of the funds between Plaintiff and Plaintiff's counsel, and the Davis School District Defendants never agreed that Counsel for Plaintiff's attorney fee request was reasonable. Furthermore, there was never any discussion about, much less agreement to, the specific terms of any distribution of settlement funds to D.M. Counsel for Plaintiffs also did not provide a copy of the Petition ([Doc. 7](#)) to Counsel for the Davis School District Defendants before it was filed.

Accordingly, the Davis School District Defendants agree with Petitioner and request that the Court approve the amount of the settlement, appoint Ms. Mayes conservator, and grant her permission to endorse the settlement check and execute the general release, as requested in paragraphs numbered 1-4 of the WHEREFORE section of the Petition ([Doc. 7](#) at 4). The Davis School District Defendants take no position on the requested allocation of settlement funds between Plaintiff and Plaintiff's Counsel and take no position on the requested distributions made in paragraphs numbered 8 through 10 in the WHEREFORE section of the Petition ([Doc. 7](#), at 4-5).

DATED: July 18, 2019

OFFICE OF THE UTAH ATTORNEY GENERAL

/s/ Kyle J. Kaiser

Kyle J. Kaiser

Assistant Utah Attorney General

*Attorney for Davis School District Defendants*